

GENERAL ORDINANCE NO. ~~G-74~~ 10-17-74.

An Ordinance amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, by adding thereto "Article X, Flood Plain Management and Control."

WHEREAS, the flood hazard areas of Fort Wayne, Indiana are subject to loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety, and general welfare; and,

WHEREAS, these flood losses are caused by (1) cumulative effect of obstructions in flood heights and velocities; (2) the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to other lands are inadequately elevated or otherwise protected from flood damages; and,

WHEREAS, to push back the cost of floods, national and state policy on flood management has shifted from a primary emphasis on structural controls to a balance between structural and regulatory controls.

NOW THEREFORE, BE IT ORDAINED, By The Common Council of The City of Fort Wayne, Indiana;

Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1964, as amended, is hereby amended by adding thereto the following Article:

ARTICLE X - Flood Plain Management and Control

Section 40. General Criteria For Flood Plain Regulations.

- A. Objectives - the objective of these criteria are to provide a uniform basis for the preparation and implementation of sound flood plain regulations for Fort Wayne's rivers and streams to:
- (1) Protect human life and health.
 - (2) Protect individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.
 - (3) Provide for public awareness of the flooding potential.
 - (4) Minimize public and private property damage.
 - (5) Minimize surface and ground-water pollution which will affect human, animal, or plant life.
 - (6) Control flood-plain uses such as fill, dumping, storage of material, structures, buildings, and any other works which acting alone or in combination with other existing or future uses which will cause damaging flood heights and velocities by obstructing flows and reducing valley storage.

- (7) Control development which will, when acting alone or in combination with similar developments, create an unjustified demand for public investment in flood-control works by requiring that uses vulnerable to floods, including public facilities which serve such uses, shall be protected against flood damage at the time of initial construction.
- (8) Control development which will, when acting alone or in combination with similar development, cause flood losses if public streets, sewer, water, and other utilities must be extended below the flood level to serve the development.
- (9) Control development which will, when acting alone or in combination with similar development, create an additional burden to the public to pay the costs of rescue, relief, emergency preparedness measures, sandbagging, pumping and temporary dikes or levees.
- (10) Control development which will, when acting alone or in combination with similar development, create an additional burden to the public for business interruptions, factory closings, disruption of transportation routes, interference with utility services, and other factors that result in loss of wages, sales, production, and tax write offs.
- (11) Help maintain a stable tax base by the preservation or enhancement of property values for future flood-plain development. In addition, development of future flood-blight areas on flood plains will be minimized and property values and the tax base adjacent to the flood plain will be preserved.

Section 41. Definitions - Whenever used or referred to in this ordinance unless a different meaning appears from the context:

- A. "Board" - Board of Zoning Appeals
- B. "Commission" - Fort Wayne City Plan Commission
- C. "Flood" or "Flood Water" - means the water of any river or stream in the State or upon or adjoining any boundary line of the State which is above the bank and/or outside the channel and banks of such river or stream.
- D. "Flood Hazard Areas" - means those areas of the flood plain which have not been adequately protected from flooding by the regulatory flood by means of dikes, levees, reservoirs, or other works approved by the Commission.
- E. "Flood Plain" - means the area adjoining the river or stream which has been or may hereafter be covered by flood water.
- F. "Flood-Proofing" - a combination of structural provisions, charges, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood-hazard area.
- G. "Flood Protection Grade" - means the elevation of the lowest point around the perimeter of a building at which flood waters may enter the interior of the building.
- H. "Floodway" (FW) see (M) "Regulatory Floodway"
- I. "Floodway Fringe" (FF) - means those portions of

the flood hazard areas lying outside the floodway.

- J. "General Flood-Plain District" (GF) see (D) "Flood Hazard Areas"
- K. "INRC" - The Indiana Natural Resources Commission
- L. "Obstruction" - any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, or regulatory flood-hazard area which may impede retard, or change the direction of the flow of water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.
- M. "Regulatory Flood" - means that flood having a peak discharge which can be expected to be equalled or exceeded on the average of once in a one hundred year period, as calculated by a method and procedure which is acceptable to and approved by the Commission. This flood is equivalent to a flood having a probability of occurrence of one percent in any given year.
- N. "Regulatory Flood Profile" - means a longitudinal profile along the thread of a stream showing the maximum water surface elevations attained by the regulatory flood.
- O. "Regulatory Floodway" or "Floodway" - means the channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.
- P. "River or Stream" - shall mean all open channels, whether natural, man-made, or notified by man, which carry or discharge water.

Section 42. Flood Hazard Area Delineation.

The areal extent of the flood hazard area shall include all land as indicated on maps supplied by the Army Corps of Engineers, the Soil Conservation Service and the Department of Housing and Urban Development. The regulatory floodway, floodway fringe, the peak discharge and the flood profile shall be determined by the INRC utilizing the best available technology and shall be approved by the Commission.

Section 43. Establishment of District Boundaries.

The mapped flood-hazard areas within the jurisdiction of this ordinance are hereby designated as the GENERAL FLOOD-PLAIN DISTRICT (GF). The boundaries of this district shall be shown on the official Zoning Map. Within this district all uses not permissible by right or as special-permit uses shall be prohibited.

Section 44. District Boundaries Changes Thereto.

The "General Flood-Plain District" shall be divided into a "Floodway (FW)" and a "Floodway Fringe (FF) District" upon determination and delineation by the INRC and the Commission.

When this division occurs the provisions outlined in Section 46 and 47 shall automatically take effect.

Section 45. General Flood Plain District. (GF)

- A. General Provisions and Uses. It is the intent of this ordinance to control and manage the uses of land in the General Flood Plain (GF) so as to meet the objectives identified and superimposed over the existing zoning districts. However, before an Improvement Location Permit can be issued for any permitted uses, the Zoning Enforcement Officer must ascertain whether said use or accompanying structure will be detrimental to the objectives identified in Section 40. A. (1) - (11).
- B. General Use Permit. All construction, building, alteration of structures or land, change of use, or initiation of a new use in the General Flood Plain will require a "general use permit" before the issuance of an Improvement Location Permit. This "General Use Permit" shall be granted by the Zoning Enforcement Officer.

C. Procedures Being Followed Regarding Construction in General Flood Plain District.

(1) All plans submitted to the Commission for either approval by the Commission or application for Improvement Location Permits will be checked against the official Zoning Map. If the site location falls within a flood hazard area a location map and letter will be submitted to the INRC for their recommendation. Until comment is received from the INRC NO action will be taken by the Commission.

(2) Based upon the technical evaluation of the INRC, the Zoning Enforcement Officer shall determine and evaluate the specific flood hazard at the site and shall determine the suitability of the proposed use in relation to the potential flood hazard. If he finds the proposed use suitable, he will issue a "General Use Permit". Upon issuance of this permit an Improvement Location Permit shall be issued forthwith provided the other requirements of this ordinance have been satisfied.

If upon receipt of comments by the INRC, he finds that the proposed use is unsuitable in relation to the potential flood hazard, he shall deny the application for a "General Use Permit". The applicant may then file for a hearing before the Commission if he so chooses. The applicant shall have the burden of proof to establish that the permit was wrongfully denied.

Both the Commission and the Zoning Enforcement Officer shall consider the factors listed in Section 46 D (2) when making their decision on the suitability of the proposed use.

Section 46. Floodway Districts.(FW)

- A. Permitted uses within a regulatory floodway district. The following land uses have acceptable low flood damage potential and shall not require a special permit for construction in the floodway, provided they do not involve any structure, obstruction, deposit, or excavations. This list is intended

to include examples of open space uses which will not adversely affect the efficiency of or unduly restrict the capacity of the regulatory floodway and are reasonably tolerant of the presence of flood waters.

- (1) Agricultural uses such as the production of crops, pastures, orchards, plant nurseries, vineyards, and general farming.
- (2) Forestry, wildlife areas, and nature preserves.
- (3) Park and recreational uses, such as golf courses, driving ranges, and play areas.

- B. Special Exception Uses - Floodway Districts. The following uses of land may have unacceptable flood damage potential; involve structures, obstructions, deposits, or excavation which may adversely affect the efficiency of or unduly restrict the capacity of the regulatory floodway; constitute an unreasonable hazard to the safety of life or property; or result in unreasonable detrimental effects upon fish, wildlife, and botanical resources. These uses will require a "Special Permit" for construction in the Floodway as provided in "Special Permit" uses, of this ordinance. In general, these uses involve water management structures, transportation facilities, temporary or seasonal flood plain occupancy, or public, industrial, and commercial uses which are either dependent on their proximity to water or are reasonably open in nature and flood tolerant.

- (1) Water management and use facilities, such as dams, docks, dolphins, channel improvements, dikes, jetties, groins, marinas, piers, wharves, levees, seawalls, floodwalls, weirs, and irrigation facilities.
- (2) Transportation facilities, such as streets, bridges, roadways, fords, airports, pipe lines, railroads, and utility transmission facilities.
- (3) Temporary or seasonal flood plain occupancy, such as circus sites, fair sites, carnival sites, boat ramps, camps, roadside stands, and transient amusement facility sites.
- (4) Water-related urban uses, such as wastewater treatment facilities, storm sewers, electrical generating and transmission facilities, and water treatment facilities.

- (5) Other flood tolerant or open urban uses, such as flood-proofed industrial and commercial buildings, race tracks, tennis courts, park buildings, outdoor theatres, fills, truck freight terminals, radio or TV towers, parking lots, and mineral extractions.

- C. Standards for Floodway Special Use Permit Uses. All Uses. No structure (temporary or permanent), fill (including fill for roads and levees) deposit, obstruction, storage of materials or equipment, or other use may be allowed as a special exception use which, acting alone

or in combination with existing or future uses, unduly affects the capacity of the floodway or unduly increases heights. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream. In addition all floodway special-permit uses shall be subject to the standards contained in Section 46 D (2) of this Article.

D. Procedures for Development Within Floodway.

(1) Any use listed in this ordinance as requiring a special use permit may be allowed only upon application to the Zoning Enforcement Officer on forms furnished by him and the issuance of a "Special Permit". Upon receipt of the application the Zoning Enforcement Officer shall forthwith submit it to the Commission.

(2) Procedure to be followed by the Commission in passing on special permits. Upon receiving an application for a special permit involving the use of fill, construction of structures, or storage of materials, the Commission shall, prior to rendering a decision thereon; request and receive the recommendation of the INRC as to the suitability of the proposed use in relation to the flood hazard. In passing upon such applications, the Commission shall consider all relevant factors specified in other sections of this ordinance:

- a. The danger of life and property due to increased flood heights or velocities caused by encroachments.
- b. The danger that materials may be swept on to other lands or downstream to the injury of others.
- c. The proposed water supply and sanitation systems and the ability to these systems to prevent disease, contamination, and unsanitary conditions.
- d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- e. The importance of the services provided by the proposed facility to the community.
- f. The requirements of the facility for a waterfront location.
- g. The availability of alternative locations not subject to flooding for the proposed use.
- h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- i. The relationship of the proposed use to the comprehensive plan and flood-plain management program for the area.
- j. The safety of access to the property in times of flood or ordinary and emergency vehicles.

- k. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
 - l. Such other factors which are relevant to the purposes of this ordinance.
- E. Fill.

(1) Any fill proposed to be deposited in the floodway must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials.

(2) Such fill or other materials shall be protected against erosion by riprap, vegetation cover, or bulkheading.

F. Structures (temporary or permanent).

(1) Structures shall not be designed for human habitation.

(2) Structures shall have a low flood-damage potential.

(3) The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.

a. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of the flow of flood waters.

b. So far as practicable, structures shall be placed approximately on the same flood-flow lines as those of adjoining structures.

(4) Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river; and,

(5) Service facilities such as electrical and heating equipment shall be constructed at or above the regulatory flood-protection elevation for the particular area or flood-proofed.

G. Storage of Material and Equipment.

(1) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.

(2) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

Section 47. Floodway-Fringe District. (FF)

- A. Floodway-Fringe District. All facilities, structures, and buildings normally found in a community, such as businesses, medical facilities, community and government buildings, industrial facilities, restaurants, commercial facilities, storage facilities, utility buildings, amusement facilities, residential buildings, and civic or fraternal facilities, may be constructed in a floodway fringe district provided that the flood protection grade

for all buildings shall be at least at or above the regulatory flood profile and that the zoning shall be proper.

- B. Procedure. Before the issuance of an Improvement Location Permit, the Zoning Enforcement Officer shall determine that the proposed use meets the requirements and intent of this ordinance.

Section 48. Conditions Attached to "Special Permits".

Upon consideration of the factors listed above and the purpose of this ordinance, the Commission may attach such conditions to the granting of special permits and variances as it deems necessary to further the purposes of this ordinance.

Section 49. Nonconforming Uses.

All land uses now existing in flood hazard areas not in full compliance with this rule shall be considered a nonconforming use. Except for normal maintenance, any building which constitutes a nonconforming use may be altered, repaired, enlarged, or extended, provided such alterations, repairs, enlargements, or extensions do not increase the value of the building, excluding the value of the land, by more than fifty percent (50%) of its pre-improvement market value, and the alterations, repairs, enlargements, or extensions are not otherwise prohibited or restricted by state law or local ordinances. Any building which constitutes a nonconforming use which is damaged by flood, fire, explosion, act of God, or the public enemy, may be restored to its original dimensions and condition, provided the damage does not reduce the value of the land by more than fifty percent (50%) of its pre-damaged market value. Any repairs, alteration, enlargements, or extensions, of any existing nonconforming use which does not involve a building is subject to the provisions of this ordinance.

Section 50. Variances.

This ordinance promulgates standards and procedures essential to assure reasonable protection to present and future uses within the flood plain. However, there may be a need from time to time, to permit variances from these standards in particular cases within areas which are almost entirely developed. The Board may grant such variances only where the following conditions are met:

- (1) The structure or use is located on a lot of one half acre or less and is surrounded by existing structures; and,
- (2) Good and sufficient cause exists for granting the variance; and,
- (3) Failure to grant the variance would result in extreme hardship to the owners of the land; and,
- (4) All possible efforts are made to minimize potential flood damages.

If the Board grants a variance according to the above, it must give written notice to the applicant. This written

notice shall include:

- (1) The fact that the proposed structure will be located in a flood prone area.
- (2) The number of feet that the lowest floor of the proposed structure will be below the 100-year flood level.
- (3) The fact that the flood insurance rates will be increased commensurate with the distance below the 100-year flood level.

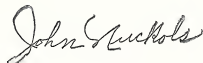
This notice shall be attached to the building permit and must be displayed with it.

Section 51. Warning and Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice or debris jams. This ordinance does not imply that area outside flood hazard areas, as defined herein, will be free from flooding or flood damages. This ordinance does not create liability on the part of the State of Indiana, the INRC, the Board, the Commission, or the City of Fort Wayne, or any elected or appointed official or employee thereof for any flood damages that result from reliance on this rule or any administrative decision lawfully made thereunder.

Section 52. Severability.

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.



Councilman

Read the first time in full and on motion by Nuckols, seconded by V. Schmidt, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and ~~Public Hearing to be held after due legal notice,~~ at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197_____, at _____ o'clock P.M., E.S.T.

Date: 5/28/74

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by Nuckols, seconded by King, and duly adopted, placed on its passage. Passed (LOST) by the following vote:

| | AYES <u>9</u> | NAYS <u>0</u> | ABSTAINED _____ | ABSENT _____ | to-wit: |
|-------------|---------------|---------------|-----------------|--------------|---------|
| BURNS | <u>X</u> | _____ | _____ | _____ | _____ |
| HINGA | <u>X</u> | _____ | _____ | _____ | _____ |
| KRAUS | <u>X</u> | _____ | _____ | _____ | _____ |
| MOSES | <u>X</u> | _____ | _____ | _____ | _____ |
| NUCKOLS | <u>X</u> | _____ | _____ | _____ | _____ |
| SCHMIDT, D. | <u>X</u> | _____ | _____ | _____ | _____ |
| SCHMIDT, V. | <u>X</u> | _____ | _____ | _____ | _____ |
| STIER | <u>X</u> | _____ | _____ | _____ | _____ |
| TALARICO | <u>X</u> | _____ | _____ | _____ | _____ |

DATE: 6-11-74

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. 8-17-74 on the 11th day of June, 1974.

ATTEST: (SEAL)

Charles W. Westerman
CITY CLERK

Samuel J. Talarico
PRESIDENT OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of June, 1974, at the hour of 2:00 o'clock A. M., E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 12th day of June, 1974, at the hour of 2:00 o'clock P. M., E.S.T.

Sam H. Pines
MAYOR



THE CITY OF FORT WAYNE

office of city plan commission

*G-74-05-47
(Amended).*

11 June 1974

COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
Fort Wayne, Indiana 46802

Gentlemen and Ms. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance Number 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

Bill No. G-74-05-47

Respectfully submitted,

CITY PLAN COMMISSION

Thomas J. Offerle

Thomas J. Offerle
Secretary

Certified and signed this
11th day of June 1974.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 28, 1974, referred a proposed zoning ordinance amendment to the City Plan Commission which proposed ordinance was designated as Bill No. G-74-05-47; and,

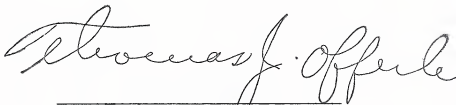
WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 10, 1974;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS as amended, for the reasons that a need has been shown for the local management and control of the flood plain, the amendment will be in the best interest of and benefit to the area involved and of and to the city, and the amendment will not be detrimental to and does not conflict with the overall city plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 10, 1974.



Certified and signed this
11th day of June 1974.

Thomas J. Offerle
Secretary

CITY PLAN COMMISSION
City-County Building
One Main Street
Fort Wayne, Indiana

11 June 1974

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Ms. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at a special meeting held June 10, 1974. In addition to the reasons outlined in the resolution, the following additional remarks pertain to the ordinance involved:

1. Bill No. G-74-05-47 (Amended)

A. Recommendation: DO PASS

B. Reasons:

- (1) This ordinance is in response to the City's recent application for participation in the Federal Flood Insurance Program.
- (2) This commitment obligates the City to develop a flood plain management and control program.
- (3) The attached ordinance meets all of the requirements of a sound flood plain management and control program, and,
- (4) The attached ordinance meets all of the requirements established by the Federal Government.

If there are any questions regarding this ordinance, please feel free to call on us.

Respectfully submitted,

CITY PLAN COMMISSION



Richard S. Wanush
Senior Planner

RSW:pb

ATT.

CC: Ivan A. Lebamoff, Mayor

GENERAL ORDINANCE NO. G-74-

An Ordinance amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, by adding thereto "Article X, Flood Plain Management and Control."

WHEREAS, the flood hazard areas of Fort Wayne, Indiana, are subject to loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the Tax Base all of which adversely affect the public health, safety, and general welfare; and,

WHEREAS, these flood losses are caused by (1) cumulative effect of obstructions in flood heights and velocities; (2) the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to other lands are inadequately elevated or otherwise protected from flood damages; and,

WHEREAS, to push back the cost of floods, national and state policy on flood management has shifted from a primary emphasis on structural controls to a balance between structural and regulatory controls.

NOW THEREFORE, BE IT ORDAINED, By The Common Council Of The City Of Fort Wayne, Indiana;

Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1964, as amended, is hereby amended by adding thereto the following Article:

ARTICLE X - Flood Plain Management And Control

Section 40. General Criteria For Flood Plain Regulations.

- A. Objectives - the objective of these criteria are to provide a uniform basis for the preparation and implementation of sound flood plain regulations for Fort Wayne's rivers and streams to :
- (1) Protect human life and health.
 - (2) Protect individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.
 - (3) Provide for public awareness of the flooding potential.
 - (4) Minimize public and private property damage.
 - (5) Minimize surface and ground-water pollution which will affect human, animal, or plant life.
 - (6) Control flood-plain uses such as fill, dumping, storage of material, structures, buildings, and any other works which acting alone or in combination with other existing or future uses which will cause damaging flood heights and velocities by obstructing flows and reducing valley storage.
 - (7) Control development which will, when acting alone or in combination with similar developments, create an unjustified demand for public investment in flood-control works by requiring that uses vulnerable to floods, including public facilities which serve such uses, shall be protected against flood damage at the time of initial construction.

- (8) Control development which will, when acting alone or in combination with similar development, cause flood losses if public streets, sewer, water, and other utilities must be extended below the flood level to serve the development.
- (9) Control development which will, when acting alone or in combination with similar development, create an additional burden to the public to pay the costs of rescue, relief, emergency preparedness measures, sand-bagging, pumping and temporary dikes or levees.
- (10) Control development which will, when acting alone or in combination with similar development, create an additional burden to the public for business interruptions, factory closings, disruption of transportation routes, interference with utility services, and other factors that result in loss of wages, sales, production, and tax write offs.
- (11) Help maintain a stable tax base by the preservation or enhancement of property values for future flood-plain development. In addition, development of future flood-blight areas on flood plains will be minimized and property values and the tax base adjacent to the flood plain will be preserved.

Section 41. Definitions - Whenever used or referred to in this ordinance unless a different meaning appears from the context:

- A. "Board" - Board of Zoning Appeals
- ~~B.~~ ^{add -} "Flood" or "Flood Water" - means the water of any river or stream in the State or upon or adjoining any boundary/line of the State which is above the bank and/or outside the channel and banks of such river or stream.
- ~~D.~~ ^{G.} "Flood Hazard Areas" - means those flood plain which have not been adequately protected from flooding by the regulatory flood by means of dikes, levees, reservoirs, or other works approved by the Commission. Flood Hazard Areas shall be determined by the INRC.
- ~~E.~~ ^{D.} "Flood Plain" - means the area adjoining the river or stream which has been, or may hereafter be covered by flood water.
- ~~F.~~ ^{E.} "Flood-Proofing" - a combination of structural provisions, charges, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood-hazard area.
- ~~G.~~ ^{F.} "Flood Protection Grade" - means the elevation of the lowest point around the perimeter of a building at which flood waters may enter the interior of the building.
- ~~H.~~ ^{G.} "Floodway" (FW) see (1) "Regulatory Floodway"
- ~~I.~~ ^{H.} "Floodway Fringe" (FF) - means those portions of the flood hazard areas lying outside the floodway;
- ~~J.~~ ^{F.} "General Flood Plain District" (GF) see (c) "Flood Hazard Areas"
- ~~K.~~ ^{H.} "INRC" - The Indiana Natural Resources Commission
- ~~L.~~ ^{K.} "Obstruction" - any dam, wall, wharf, embankment levee, dike, pile, abutment, projection, excavation, channel rectification,

bridge, conduit, culvert, building, wire, fence, rock, gravel refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, or regulatory flood-hazard area which may impede retard, or change the direction of the flow of water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

- M L. "Regulatory Flood" - means that flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a one hundred year period, as calculated by a method and procedure which is acceptable to and approved by the Commission. This flood is equivalent to a flood having a probability of occurrence of one percent in any given year.
- N M. "Regulatory Flood Profile" - means a longitudinal profile along the thread of a stream showing the maximum water surface elevations attained by the regulatory flood;
- O N. "Regulatory Floodway" or "Floodway" - means the channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.
- P O. "River or Stream" - shall mean all open channels, whether natural, man-made, or modified by man, which carry or discharge water;

Section 42. The area of extent of the flood hazard area, regulatory floodway, floodway fringe, the peak discharge and the flood profile shall be determined by the INRC utilizing the best available technology and shall be approved by the administrator of HUD and the City Plan Commission.

Difficult.

Section 43. Establishment of District Boundaries. The mapped flood-hazard areas within the jurisdiction of this ordinance are hereby designated as the general flood-plain district (GF). The boundaries of this district shall be shown on the official Zoning Map. Within this district all uses not permissible by right or as special-permit uses shall be prohibited.

Difficult

Section 44. District Boundaries Changes Thereto. The "General Flood-Plain District" shall be divided into a "Floodway (FW)" and a "Floodway Fringe (FF) District" upon determination and delineation by the INRC and the approval of HUD and the Fort Wayne City Plan Commission. When this division occurs the provisions outlined in Sections 7 & 8 shall automatically take effect.

Difficult

Section 45. General Flood Plain District. (GF)

- A. General Provisions and Uses. It is the intent of this ordinance to control and manage the uses of land in the General Flood Plain (GF) so as to meet the objectives identified and superimposed over the existing zoning districts. However, before an Improvement Location Permit can be issued for any permitted uses, the Zoning

Enforcement Officer must ascertain whether said use or accompanying structure will be detrimental to the objectives identified in Section 40. A. (1) - (11).

- permitted*
- B. Procedure to be followed in passing on special permit. All construction, building, alteration of structures or land, change of use, or initiation of a new use will require a "special use permit" before the issuance of an Improvement Location Permit. This "Special Use Permit" shall be granted by the Commission.

C. Procedures Being Followed Regarding Construction in Hazard General Flood Plain District.

Approved

(1) All plans submitted to the City-Plan Commission for either approval by the Commission or application for Improvement Location Permits will be checked against the official Zoning Map. If the site location falls within a flood hazard area a location map and letter will be submitted to the Department of Natural Resources for their recommendation. Until comment is received from the Indiana Department of Natural Resources NO action will be taken by the City Plan Commission.

Approved

(2) Based upon the technical evaluation of the IDNR, the Zoning Enforcement Officer shall determine and evaluate the specific flood hazard at the site and shall determine the suitability of the proposed use in relation to the potential flood hazard.

Section 46. Floodway Districts. (FW)

- A. Permitted uses within a regulatory floodway district. The following land uses have acceptable low flood damage potential and shall not require a special permit for construction in the floodway, provided they do not involve any structure, obstruction, deposit, or excavations. This list is intended to include examples of open space uses which will not adversely affect the efficiency of or unduly restrict the capacity of the regulatory floodway and are reasonably tolerant of the presence of flood waters.

(1) Agricultural uses such as the production of crops, pastures, orchards, plant nurseries, vineyards, and general farming.

(2) Forestry, wildlife areas, and nature preserves.

(3) Park and recreational uses, such as golf courses, driving ranges, and play areas.

- copy code*
- B. Special Exception Uses - Floodway Districts. The following uses of land may have unacceptable flood damage potential; involve structures, obstructions, deposits, or excavations which may adversely affect the efficiency of or unduly restrict the capacity of the regulatory floodway; constitute an unreasonable hazard to the safety of life or property; or result in unreasonable detrimental effects upon fish, wildlife, and botanical resources. These uses will require a special permit for construction in the floodway as provided in special permit uses, of this ordinance. In general, these uses involve water management

structures, transportation facilities, temporary or seasonal flood plain occupancy, or public, industrial, and commercial uses which are either dependent on their proximity to water or are reasonably open in nature and flood tolerant.

(1) Water management and use facilities, such as dams, docks, dolphins, channel improvements, dikes, jetties, groins, marinas, piers, wharves, levees, seawalls, floodwalls, weirs, and irrigation facilities.

(2) Transportation facilities, such as streets, bridges, roadways, fords, airports, pipe lines, railroads, and utility transmission facilities.

(3) Temporary or seasonal flood plain occupancy, such as circus sites, fair sites, carnival sites, boar ramps, camps, roadside stands, and transient amusement facility sites.

(4) Water-related urban uses, such as wastewater treatment facilities, storm sewers, electric generating and transmission facilities, and water treatment facilities.

(5) Other flood tolerant or open urban uses, such as flood-proofed industrial and commercial buildings, race tracks, tennis courts, park buildings, outdoor theatres, fills, truck freight terminals, radio or TV towers, parking lots, and mineral extractions.

C. Standards for Floodway Special Use Permit Uses.

All Uses. No structure (temporary or permanent), fill (including fill for roads and levees) deposit, obstruction, storage of materials or equipment, or other use may be allowed as a special exception use which, acting alone or in combination with existing or future uses, unduly affects the capacity of the floodway or unduly increases heights. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream. In addition all floodway special-permit uses shall be subject to the following standards (D) (1) - (5).

D. Procedures for Development Within Floodway.

(1) Any use listed in this ordinance as requiring a special use permit may be allowed only upon application of the zoning administrator on forms furnished by him and issuance of a special permit by the Board. Upon receipt of the application the administrator shall forthwith submit it to the Board.

(2) Procedure to be followed by the Board in passing on special permits. Upon receiving an application for a special permit involving the use of fill, construction of structures, or storage of materials, the Board shall, prior to rendering a decision thereon; request and receive the recommendation of the INDR as to the suitability of the proposed use in relation to the flood hazard. In passing upon such applications, the Board shall consider all relevant factors specified in other sections of this ordinance:

- a. The danger of life and property due to increased flood heights or velocities caused by encroachments.
- b. The danger that materials may be swept on to other lands or downstream to the injury of others.
- c. The proposed water supply and sanitation systems and the ability to these systems to prevent disease, contamination, and unsanitary conditions.
- d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- e. The importance of the services provided by the proposed facility to the community.
- f. The requirements of the facility for a waterfront location.
- g. The availability of alternative locations not subject to flooding for the proposed use.
- h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- i. The relationship of the proposed use to the comprehensive plan and flood-plain management program for the area.
- j. The safety of access to the property in times of flood or ordinary and emergency vehicles.
- k. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- l. Such other factors which are relevant to the purposes of this ordinance.

E. Fill

- (1) Any fill proposed to be deposited in the floodway must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials.
- (2) Such fill or other materials shall be protected against erosion by riprap, vegetation cover, or bulkheading.

F. Structures (temporary or permanent)

- (1) Structures shall not be designed for human habitation.
- (2) Structures shall have a low flood-damage potential.
- (3) The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.
- a. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of the flow of flood waters.

- b. So far as practicable, structures shall be placed approximately on the same flood-flow lines as those of adjoining structures.

(4) Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river; and,

(5) Service facilities such as electrical and hearing equipment shall be constructed at or above the regulatory flood-protection elevation for the particular area or flood-proofed.

G. Storage of Material and Equipment

(1) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.

(2) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

Section 47. Floodway-Fringe District (FF)

A. Floodway Fringe District. All facilities, structures, and buildings normally found in a community, such as businesses, medical facilities, community and government buildings, industrial facilities, restaurants, commercial facilities, storage facilities, utility buildings, amusement facilities, residential buildings, and civic or fraternal facilities, may be constructed in a floodway fringe district provided that the flood protection grade for all buildings shall be at least or above the regulatory flood profile.

Change B. Procedure - All construction in a Floodway-Fringe District must follow the procedures at outlined in Section 45-C.


Change Section 48. Conditions attached to special permits. Upon consideration of the factors listed above and the purpose of this ordinance, the Board may attach such conditions to the granting of special permits or variances as it deems necessary to further the purposes of this ordinance.

Change Section 49. Time for acting on application. The Board shall act on an application in the manner above described within thirty (30) days from receiving the application, except that where additional information is required by the Board pursuant to Section 45 of this Ordinance, the Board shall render a written decision within sixty (60) days from the receipt of such information.

Change Section 50. Nonconforming Uses. All land uses now existing in flood hazard areas not in full compliance with this rule shall be considered a nonconforming use. Except for normal maintenance, any building which constitutes a nonconforming use may be altered, repaired, enlarged, or extended, provided such alterations, repairs, enlargements, or extensions do not increase the value of the building, excluding the value of the land, by more than fifty percent (50%) of its pre-improvement market value, and the laterations, repairs, enlargements, or extensions are not otherwise prohibited or restricted by state law or local ordinances. Any building which constitutes a nonconforming use which is damaged by flood, fire, explosion, act of God, or the public enemy, may be restored to its original dimensions and condition, provided

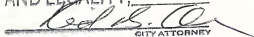
the damage does not reduce the value of the land, by more than fifty percent (50%) of its pre-damaged market value. Any repairs, alteration, enlargements, or extensions, of any existing nonconforming use which does not involve a building is subject to the provisions of this ordinance.

- Section 51. Warning and Disclaimer of Liability. The degree of floor protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice or debris jams. This ordinance does not imply that area outside flood hazard areas, as defined herein, will be free from flooding or flood damages. This ordinance does not create liability on the part of the State of Indiana, the INRC, the Board or the City of Fort Wayne, or any elected or appointed official or employee thereof for any flood damages that result from reliance on this rule or any administrative decision lawfully made thereunder.
- Section 52. Severability. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.



 Councilman

APPROVED AS TO FORM
 AND LEGALITY.



 CITY ATTORNEY



THE CITY OF FORT WAYNE

office of city plan commission

May 23, 1974

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment concerning the amendment of the Zoning Ordinance (General Ordinance Number 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). This resolution was acted upon by the City Plan Commission at their regular meeting held May 20, 1974.

This is an ordinance amending the Zoning Ordinance of the City of Fort Wayne, Indiana, by adding thereto "Article X, Flood Plain Management and Control".

Through this resolution, the Plan Commission hereby petitions the Common Council to introduce the attached ordinance and refer it back to the Plan Commission for further study.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

CITY PLAN COMMISSION

Richard S. Wanush
Senior Planner

RSW:pr
ATT.

cc: Mayor Ivan Lebamoff

RESOLUTION FOR ZONING ORDINANCE AMENDMENT

RESOLVED, that the Fort Wayne City Plan Commission request that the Fort Wayne City Council introduce the attached ordinance concerning an amendment to the Zoning Ordinance by adding thereto "Article X, Flood Plain Management and Control".

BE IT FURTHER RESOLVED that the City Council refer said ordinance to the City Plan Commission for further study and for a public hearing.

Certified and signed this
23rd day of May, 1974.

A handwritten signature in cursive script, reading "Thomas J. Offerle". The signature is written in dark ink and is positioned above a horizontal line.

Thomas J. Offerle
Secretary

Bill No. G-74-05-47 (AMENDED)

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
Amending Chapter 36 of the Municipal Code of the City of
Fort Wayne, Indiana, by adding thereto "Article X. Flood Plain
Management and Control."

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

John Nuckols - Chairman

Vivian G. Schmidt - Vice-Chairman

William T. Hinga

Paul M. Burns

Donald J. Schmidt

John Nuckols
Vivian G. Schmidt
William T. Hinga
Paul M. Burns

DATE 6-11-74 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK



CITY OF FORT WAYNE

FORT WAYNE, INDIANA

CHARLES W. WESTERMAN
CITY CLERK

June 14, 1974

Miss Helen Libbing
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates June 17 and June 24, 1974, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, Indiana for the
following Ordinances:

Zoning Map Ordinance No. Z-13-74

Zoning Map Ordinance No. Z-14-74

Zoning Map Ordinance No. Z-12-74

Zoning Map Ordinance No. Z-11-74

General Ordinance No. G-17-74

General Ordinance No. G-15-74

Please send us six (6) copies from each newspaper of the Publisher's Affidavit.

Thank you.

Sincerely,

Charles W. Westerman
City Clerk

CWW/ne
ENCL: 6

Notice is hereby given that on the 11th day of June, 1974, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-74-05-47 (AMENDED) G-17-74 General Ordinance, to-wit:

Bill No. G-74-05-47 (AMENDED)
GENERAL ORDINANCE NO. G-17-74.
An Ordinance amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, by adding thereto Article X—Flood Plain Management and Control.

WHEREAS, the flood hazard areas of Fort Wayne, Indiana are subject to loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety, and general welfare; and,

WHEREAS, these flood losses are caused by (1) cumulative effect of obstructions in flood heights and velocities; (2) the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to other lands are inadequately elevated or otherwise protected from flood damages; and,

WHEREAS, to push back the cost of floods, national and state policy on flood management has shifted from a primary emphasis on structural controls to a balance between structural and regulatory controls.

NOW THEREFORE, BE IT ORDAINED, By The Common Council of the City of Fort Wayne, Indiana, 1964, as amended, is hereby amended by adding thereto the following article:

ARTICLE X—Flood Plain Management and Control

Section 40. General Criteria for Flood Plain Regulations.

A. Objectives—the objective of these criteria are to provide a uniform basis for the preparation and implementation of sound flood plain regulations for Fort Wayne's rivers and streams to:

(1) Protect human life and health.
(2) Protect individuals from buying lands and structures which are unsuitable for intended purposes because of flood hazards.

(3) Provide for public awareness of the flooding potential.
(4) Minimize public and private property damage.

(5) Minimize surface and ground-water pollution which will affect human, animal, or plant life.

(6) Control flood-plain uses such as fill, dumping, storage of material, structures, buildings, and any other works which existing along or in combination with other existing or future uses which will cause damaging flood heights and velocities by obstructing flows and reducing valley storage.

(7) Control development which will, when acting alone or in combination with similar developments, create an unjustified demand for public investment in flood-control works by requiring that uses vulnerable to floods including public facilities which serve such uses, shall be protected against flood damage at the time of initial construction.

(8) Control development which will, when acting alone or in combination with similar development, cause flood losses if public streets, sewer, water, and other utilities must be extended below the flood level to serve the development.

(9) Control development which will, when acting alone or in combination with similar development, create an additional burden to the public to pay the costs of rescue, relief, emergency preparedness measures, sandbagging, pumping and temporary dikes or levees.

(10) Control development which will, when acting alone or in combination with similar development, create an additional burden to the public for business interruptions, factory closings, disruption of transportation routes, interference with utility services, and other factors that result in loss of wages, sales, production, and tax write-offs.

(11) Help maintain a stable tax base by the preservation or enhancement of property values for future flood-plain development. In addition, development of future flood-bligh areas on flood plains will be minimized and property values and the tax base adjacent to the flood plain will be preserved.

Section 41. Definitions — Whenever used or referred to in this ordinance unless a different meaning appears from the context:

A. "Board" — Board of Zoning Appeals

B. "Commission" — Fort WAYNE City Plan Commission

C. "Flood" or "Flood Water" — means the water of any river or stream in the State or upon or adjoining any boundary line of the State which is above the bank and/or outside the channel and banks of such river or stream.

D. "Flood Hazard Area" — means those areas of the flood plain which have not been adequately protected from flooding by the regulatory flood by means of dikes, levees, reservoirs, or other works approved by the Commission.

E. "Flood Plain" — means the area adjoining the river or stream which has been or may hereafter be covered by flood water.

F. "Flood-Proofing" — a combination of structural provisions, charges, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood-hazard area.

G. "Flood Protection Grade" — means the elevation of the lowest point around the perimeter of a building at which flood waters may enter the interior of the building.

H. "Floodway" (FW) see (M) "Regulatory Floodway"

I. "Floodway Fringe" (FF) — means those portions of the flood hazard areas lying outside the floodway.

J. "General Flood-Plain District" (GP) see (D) "Flood Hazard Areas"

K. "INRC" — The Indiana Natural Resource Commission

L. "Obstruction" — any dam, wall, wharf, embankment levee, dike, pile, abutment, protection, excavation, channel restriction, bridge, conduit, culvert, building, wire, fence, rock, gravel, debris, fill, structure or matter in, along, across or projecting into any channel, watercourse, or regulatory flood-hazard area which may impede, retard, or change the direction of the flow of water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

M. "Regulatory Flood" — means that flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a one hundred year period, as calculated by a method and procedure which is acceptable to and approved by the Commission. This flood is equivalent to a flood having a probability of occurrence of one percent in any given year.

N. "Regulatory Flood Profile" — means a longitudinal profile along the flood of a stream showing the maximum water surface elevations attained by the regulatory flood.

O. "Regulatory Floodway" or "Floodway" — means the channel of a river or stream and those portions of the flood plain adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

P. "River or Stream" — shall mean all open channels, whether natural, man-made, or notified by man, which carry or discharge water.

Section 42. Flood Hazard Area Delineation.

The areal extent of the flood hazard area shall include all lands as indicated on maps supplied by the Army Corps of Engineers, the Soil Conservation Service and the Department of Housing and Urban Development. The regulatory floodway, floodway fringe, the peak discharge and the flood profile shall be determined by the INRC using the best available technology and shall be approved by the Commission.

Section 43. Establishment of District Boundaries.

The mapped flood-hazard areas within the jurisdiction of this ordinance are hereby designated as the GENERAL FLOOD-PLAIN DISTRICT (GP). The boundaries of this district shall be shown on the official Zoning Map. Within this district all uses not permissible by right or as special-permit uses shall be prohibited.

Section 44. District Boundaries Changes Therein.

The General Flood-Plain District shall be divided into a "Floodway (FW)" and a "Floodway Fringe (FF) District" upon the

Beard of Accounts

General Form No. 99 P (Rev. 1967)

h Council
mental Ur(t)

To JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

County, Ind.

PUBLISHER'S CLAIM

ter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) number of equivalent lines

ber of lines

651

ber of lines

2

ber of lines

653

l number of lines in notice

GES

columns wide equals 653 equivalent lines at 2884 s per line

188.06

charge for notices containing rule or tabular work (50 per cent of above

profile shall be determined by the INRC utilizing the best available topography and shall be approved by the Commission.

Section 43. Establishment of District Boundaries.

The mapped flood-hazard areas within the jurisdiction of this ordinance are hereby designated as the GENERAL FLOOD-PLAIN DISTRICT (GF). The boundaries of this district shall be shown on the official Zoning Map. Within this district all uses not permissible by right or as special-permit uses shall be prohibited.

Section 44. District Boundaries Changes Thereof.

The "General Flood-Plain District" shall be divided into a "Floodway (FW)" and a "Floodway Fringe (FF) District" upon determination and delineation by the INRC and the Commission. When this division occurs the provisions outlined in Section 46 and 47 shall automatically take effect.

Section 45. General Flood Plain District (GF).

A. General Provisions and Uses. It is the intent of this ordinance to control and manage the uses of land in the General Flood Plain (GF) so as to meet the objectives identified and superimposed over the existing zoning districts. However, before an Improvement Location Permit can be issued for any permitted uses, the Zoning Enforcement Officer must ascertain whether said use or occupying structure will be detrimental to the objectives identified in Section 46. A. (1).

(1). B. General Use Permit. All construction, building, alteration of structures or land, change of use or initiation of a new use in the General Flood Plain will require a "general use permit" before the issuance of an Improvement Location Permit. This "General Use Permit" shall be granted by the Zoning Enforcement Officer.

C. Procedures Being Followed Regarding Construction in General Flood Plain District.

(1) All plans submitted to the Commission for either approval or the Commission or application for Improvement Location Permits will be checked against the official Zoning Map. If line location falls within a flood hazard area a location map and letter will be submitted to the INRC for their recommendation. Until comment is received from the INRC no action will be taken by the Commission.

(2) Based upon the technical evaluation of the INRC, the Zoning Enforcement Officer shall determine and evaluate the specific flood hazard of the site and shall determine the suitability of the proposed use in relation to the potential flood hazard. If he finds the proposed use suitable he will issue a "General Use Permit". Upon issuance of this permit an Improvement Location Permit shall be issued forthwith provided the other requirements of this ordinance have been satisfied.

If upon receipt of comments by the INRC, he finds that the proposed use is unsuitable in relation to the potential flood hazard, he shall deny the application for a "General Use Permit". The applicant may then file for a hearing before the Commission if he so chooses. The applicant shall have the burden of proof to establish that the permit was wrongfully denied.

Both the Commission and the Zoning Enforcement Officer shall consider the factors listed in Section 46 D (2) when making their decision on the suitability of the proposed use.

Section 46. Floodway Districts. (FW)

A. Permitted uses within a regulatory floodway district. The following land uses have acceptable low flood damage potential and shall not require a special permit for construction in the floodway, provided they do not involve any structures, obstructions, deposits, or excavations. This list is intended to include examples of open space use which will not adversely affect the efficiency of or unduly restrict the capacity of the regulatory floodway and are reasonably tolerant of the presence of flood waters.

(1) Agricultural uses such as the production of crops, pastures, orchards, plant nurseries, vineyards, and general farming.

(2) Forestry, wildlife areas, and nature preserves.

(3) Park and recreational uses, such as golf courses, driving ranges, and play areas.

B. Special Exception Uses -- Floodway Districts. The following uses of land may have unacceptable flood damage potential, involve structures, obstructions, deposits, or excavation which may adversely affect the efficiency of or unduly restrict the capacity of the regulatory floodway; constitute an unreasonable hazard to the safety of life or property; or result in unreasonable detrimental effects upon fish, wildlife, and botanical resources. These uses will require a "Special Permit" for construction in the Floodway as provided in "Special Permit" uses of this ordinance. In general, these uses involve water management structures, transportation facilities, temporary or seasonal flood plain occupancy, or public, industrial, and commercial uses which are either dependent on their proximity to water or are reasonably open in nature and flood tolerant.

(1) Water management and use facilities, such as dams, dikes, levees, channel improvements, dikes, levees, groins, marinas, piers, wharves, levees, seawalls, floodwalls, weirs and irrigation facilities.

(2) Transportation facilities, such as streets, bridges, roadways, ferries, airports, pipe lines, railroads, and utility transmission facilities.

(3) Temporary or seasonal flood plain occupancy, such as circus sites, fair sites, carnival sites, boat ramps, camps, roadside stands, and transient amusement facility sites.

(4) Water-related urban uses, such as wastewater treatment facilities, storm sewers, electrical generating and transmission facilities, and water treatment facilities.

(5) Other flood tolerant or open urban uses, such as flood-protected industrial and commercial buildings, race tracks, tennis courts, port buildings, outdoor theatres, fairs, truck freight terminals, radio or TV towers, parking lots, and mineral extraction sites.

C. Standards for Floodway Special Use Permit Uses. All Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other use may be allowed as a special exception use which, acting alone or in combination with existing or future uses, unduly affects the capacity of the floodway or unduly increases heights. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream. In addition all floodway special-permit uses shall be subject to the standards contained in Section 46 D (2) of this Article.

D. Procedures for Development Within Floodway.

(1) Any use listed in this ordinance as requiring a special use permit may be allowed only upon application to the Zoning Enforcement Officer on forms furnished by him and the issuance of a "Special Permit". Upon receipt of the application the Zoning Enforcement Officer shall forthwith submit it to the Commission.

(2) Procedure to be followed by the Commission in passing on special permits. Upon receiving an application for a special permit involving the use of fill, construction of structures, or storage of materials, the Commission shall, prior to rendering a decision thereon, request and receive the recommendation of the INRC as to the suitability of the proposed use in relation to the flood hazard. In passing upon such applications, the Commission shall consider all relevant factors specified in other sections of this ordinance:

a. The danger of life and property due to increased flood heights or velocities caused by encroachment.

b. The danger that materials may be swept on to other lands or downstream to the injury of others.

c. The proposed water supply and sanitation systems and the ability to these systems to prevent disease, contamination, and unsanitary conditions.

d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

e. The importance of the services provided by the proposed facility to the community.

f. The effect of the facility on the community.

the prevention of the flooding of the water front location.

g. The availability of alternative flood waters not subject to flooding for the proposed use.

h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

j. The safety of access to the property in times of flood or ordinary and emergency vehicles.

k. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

l. Such other factors which are relevant to the purposes of this ordinance.

E. Fill

(1) Any fill proposed to be disposed in the floodway must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the use to which the filled land will be put and the final dimensions of the proposed fill or other materials.

(2) Such fill or other materials shall be protected against erosion by riprap, vegetation cover, or bulkheading.

F. Structures (temporary or permanent)

(1) Structures shall not be designed for human habitation.

(2) Structures shall have a low flood-damage potential.

(3) The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.

(4) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of the flow of flood waters.

(5) So far as practicable, structures shall be placed approximately on the same flood-flow lines as those of adjoining structures.

(6) Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river and:

(a) Service facilities such as electrical and heating equipment shall be constructed at or about the secondary flood-protection elevation for the particular area or flood-protected.

G. Storage of Material and Equipment.

(1) The storage or processing of materials that are in line of flooding, buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.

(2) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removed from the area within the time available after flood warning.

Section 4. Floodway-Fringe District.

(A). Floodway-Fringe District. All facilities, structures, and buildings normally found in a community, such as businesses, medical facilities, community and government buildings, industrial facilities, restaurants, commercial facilities, storage facilities, utility buildings, amusement facilities, residential buildings, and civic or fraternal facilities, may be constructed in a floodway fringe district provided that the flood protection grade for all buildings shall be at least of or about the regulatory flood protection and final zoning shall be proper.

B. Procedure. Before the issuance of an Improvement Location Permit, the Zoning Enforcement Officer shall determine that the proposed use meets the requirements and intent of this ordinance.

Section 4. Conditions Attached to "Special Permits."

Upon consideration of the factors listed above and the purposes of this ordinance, the Commission may attach such conditions to the granting of special permits and variances as it deems necessary to further the purposes of this ordinance.

Section 4. Nonconforming Uses.

All land uses now existing in flood hazard areas not in full compliance with this rule shall be considered a nonconforming use. Except for normal maintenance, any building which constitutes a nonconforming use may be altered, repaired, enlarged, or extended, provided such alterations, repairs, enlargements, or extensions do not increase the value of the building, exceeding the value of the land, by more than fifty per cent (50 per cent) of its pre-improvement market value, and the alterations, repairs, enlargements, or extensions are not otherwise prohibited or restricted by state or local ordinances. Any building which constitutes a nonconforming use which is damaged by flood, fire, explosion, act of God, or the public enemy, may be restored to its original dimensions and condition, provided the damage does not reduce the value of the land by more than fifty per cent (50 per cent) of its pre-damaged market value. Any repairs, alterations, enlargements, or extensions of any existing nonconforming use which does not involve a change is subject to the provisions of this ordinance.

Section 5. Variances.

This ordinance promulgates standards and procedures essential to use as a nonconforming protection to present and future uses in the flood plain. However, there may be a need from time to time, to permit variances from these standards in particular cases within areas which are almost entirely developed. The Board may grant such variances only where the following conditions are met:

(1) The structure or use is located on a lot of one half acre or less and is surrounded by existing structures; and

(2) Good and sufficient cause exists for granting the variance; and

(3) Failure to grant the variance would result in extreme hardship to the owners of the land; and

(4) All possible efforts are made to minimize potential flood damages.

If the Board grants a variance according to the above, it must give written notice to the applicant. This written notice shall include:

(1) The fact that the proposed structure will be located in a flood prone area.

(2) The number of feet that the lowest floor of the proposed structure will be below the 100-year flood level.

(3) The fact that the flood insurance rates will be increased commensurate with the distance below the 100-year flood level.

This notice shall be attached to the building permit and must be displayed with it.

Section 5. Warning and Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice or debris jams. This ordinance does not imply that area outside flood hazard areas, as defined herein, will be free from flooding or flood damages. This ordinance does not create liability on the part of the State of Indiana, the INRC, the Board, the Commission, or the City of Fort Wayne, or any elected or appointed official or employee thereof for any flood damages that result from reliance on this rule or any administrative decision lawfully made thereunder.

Section 6. Severability.

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

JOHN NUCKOLS, Councilman

Read the third time in full and on motion by Nuckols, seconded by Hingo, and duly adopted, placed on its passage, PASSED by the following vote:

Ayes: nine

Noes: none

Dated: 6-17-74

CHARLES W. WESTERMAN, City Clerk

Passed and adopted by the Council of the City of Fort Wayne, Indiana, at its Regular Session, on the 13th day of June, 1974, at the hour of 10:00 o'clock A.M., E.S.T.

CHARLES W. WESTERMAN, City Clerk

SAMUEL J. TALARCIC, President Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of June, 1974, at the hour of 10:00 o'clock A.M., E.S.T.

State Board of Accounts

General Form No. 99 P (Rev. 1967)

Ion Council
mental Ur't)

To JOURNAL-GAZETTE Dr.

County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

ster (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set) number of equivalent lines

number of lines

number of lines

651

number of lines

2

total number of lines in notice

653

RGES

nes, 1, columns wide equals 653 equivalent lines at .288¢ per line

\$188.06

charge for notices containing rule or tabular work (50 per cent of above)

extra proofs of publication (50 cents for each proof in excess of two)

2.00

TAL AMOUNT OF CLAIM

\$190.06

RG COST

ngle column 11 ems

Size of type 5 1/2 point

insertions 2

Size of quad upon which type is cast 5 1/2

on and penalties of Ch. 89, Acts 1967,

eforegoing account is just and correct, that the amount claimed is legally due, after allowing all just of the same has been paid.

19 74

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana }
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says

that she is CLERK of the

JOURNAL-GAZETTE

A DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time S, the dates of publication being as follows:

6/17-24/74

Subscribed and sworn to before me this 26th day of June

June 27/74

(2) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

State Board of Accounts

General Form No. 99 P (Rev. 1967)

Section 47. Floodway-Fringe District. (PF).

A. Floodway-Fringe District. All facilities, structures, and buildings normally found in a community, such as businesses, medical facilities, community and government buildings, industrial facilities, restaurants, commercial facilities, storage facilities, utility buildings, amusement facilities, residential buildings, and civic or fraternal facilities, may be constructed in a floodway fringe district provided that the flood protection grade for all buildings shall be at least at or above the regulatory flood profile and that the zoning shall be proper.

B. Procedure. Before the issuance of an Improvement Location Permit, the Zoning Enforcement Officer shall determine that the proposed use meets the requirements and intent of this ordinance.

Section 48. Conditions Attached to "Special Permits". Upon consideration of the factors listed above and the purposes of this ordinance, the Commission may attach such conditions to the granting of special permits and variances as it deems necessary to further the purposes of this ordinance.

Section 49. Nonconforming Uses.

All land uses now existing in flood hazard areas not in full compliance with this rule shall be considered a nonconforming use. Except for normal maintenance, any building which constitutes a nonconforming use may be altered, repaired, enlarged, or extended, provided such alterations, repairs, enlargements, or extensions do not increase the value of the building, excluding the value of the land, by more than fifty per cent (50 per cent) of its pre-improvement market value, and the alterations, repairs, enlargements, or extensions are not prohibited or restricted by state law or local ordinances. Any building which constitutes a nonconforming use which is damaged by flood, fire, explosion, act of God, or the public enemy, may be repaired to its original dimensions and condition, provided the damage does not reduce the value of the land by more than fifty per cent (50 per cent) of its pre-damaged market value. Any repairs, alterations, enlargements, or extensions, of any existing nonconforming use which does not involve rebuilding is subject to the provisions of this section.

Section 50. Variances.

This ordinance promulgates standards and procedures essential to assure reasonable protection to present and future uses within the flood plain. However, there may be a need from time to time, to permit variances from these standards in particular cases within areas which are almost entirely undeveloped. The Board may grant such variances only where the following conditions are met:

- (1) The structure or use is located on a lot of one half acre or less and is surrounded by existing structures; and,
 - (2) Good and sufficient cause exists for granting the variance; and,
 - (3) Failure to grant the variance would result in extreme hardship to the owners of the land; and,
 - (4) All possible efforts are made to minimize potential flood damages.
- If the Board grants a variance according to the above, it must give written notice to the applicant. This written notice shall include:
- (1) The fact that the proposed structure will be located in a flood prone area.
 - (2) The number of feet that the lowest floor of the proposed structure will be below the 100-year flood level.
 - (3) The fact that the flood insurance rates will be increased commensurate with the distance below the 100-year flood level.

This notice shall be attached to the building permit and must be displayed with it.

Section 51. Warning and Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific considerations. Proper floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice or debris jams. This ordinance does not imply that areas outside flood hazard areas as defined herein, will be free from a flooding or flood damages. This ordinance does not create liability on the part of the State of Indiana, the INRC, the Board, the Commission, or the City of Fort Wayne, or any elected or appointed official or employee thereof for any flood damages that result from reliance on this rule or any administrative decision lawfully made thereunder.

Section 42. Severability.

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

JOHN NUCKOLS, Councilman
Read the third time in full and on motion by Nuckols, seconded by Hingso, and duly approved and passed on its passage. PASSED by the following vote:

Ayes: 5
Burns, Hingso, Kraus, Moses, Nuckols, D. Schmidt, W. Schmidt, Stier, Talarico
Date: 6-11-74.

CHARLES W. WESTERMAN, City Clerk
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. 2417-4 on the 11th day of June, 1974.

ATTEST:

CHARLES W. WESTERMAN, (Seal)
City Clerk
SAMUEL J. TALARICO, Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of June, 1974, at the hour of 10:00 o'clock A.M., E.S.T.

CHARLES W. WESTERMAN, City Clerk
Approved and signed by me this 12th day of June, 1974, at the hour of 2:00 o'clock P.M., E.S.T.

IVAN A. LEBANOFF, Mayor
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a true and complete copy of General Ordinance No. 2417-4 passed by the Common Council on the 11th day of June, 1974, and that said Ordinance was duly signed and approved by the Mayor on the 12th day of June, 1974 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 12th day of June, 1974.

CHARLES W. WESTERMAN, City Clerk

To JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

atter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) number of equivalent lines

umber of lines

umber of lines

umber of lines

total number of lines in notice

RGES

nes, 1 columns wide equals 653 equivalent lines at 288¢ per line

charge for notices containing rule or tabular work (50 per cent of above

extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

NG COST

ngle column 11 ems

insertions 2

Size of type 5 1/2 point

Size of quad upon which type is cast 5 1/2

on and penalties of Ch. 89, Acts 1967,

e foregoing account is just and correct, that the amount claimed is legally due, after allowing all just of the same has been paid.

, 19 74

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana }
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows: 6/17-24/74

Subscribed and sworn to before me this 26th day of June 1974

Notary Public

My commission expires October 25, 1975

Fort Wayne Common Council
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

651

2

653

COMPUTATION OF CHARGES

653 lines, 1 columns wide equals 653 equivalent lines at 288¢ cents per line

\$188.06

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

2.00

TOTAL AMOUNT OF CLAIM

\$190.06

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date June 26, 1974

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana }
ALLEN County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time 8, the dates of publication being as follows:

6/17-24/74

Subscribed and sworn to before me this 26th day of June 1974

Notary Public

My commission expires October 25, 1975

Notice is hereby given that on the 11th day of June, 1964, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-74-65-47 (AMENDED) G-174 (General Ordinance, 1st-2nd)

BILL NO. G-74-65-47 (AMENDED)
GENERAL ORDINANCE NO G-17-74.

An Ordinance amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, by adding thereto "Article X," Flood Plain Management and Control.

WHEREAS, the flood hazard areas of Fort Wayne, Indiana are subject to loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impediment of the tax base all of which adversely affect the public health, safety, and general welfare; and

WHEREAS, these flood losses are caused by (1) cumulative effect of obstructions in flood heights and velocities; (2) the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to other lands are inadequately elevated or otherwise protected from flood damages; and

WHEREAS, to push back the cost of floods, national and state rely on flood management has shifted from a primary emphasis on structural controls to a balance between structural and regulatory controls.

NOW THEREFORE, BE IT ORDAINED, By The Common Council of the City of Fort Wayne, Indiana, Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1964, as amended, is hereby amended by adding thereto the following Article:

ARTICLE X—Flood Plain Management and Control

Section 40. General Criteria for Flood Plain Regulations.

A. Objectives—The objective of these criteria are to provide a uniform basis for the preparation and implementation of sound flood plain regulations for Fort Wayne's rivers and streams; to

(1) Protect human life and health;

(2) Protect individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards;

(3) Provide for public awareness of the flooding potential;

(4) Minimize public and private property damage;

(5) Minimize surface and ground-water pollution which will affect human, animal, or plant life;

(6) Control flood-plain uses such as fill, dumping, storage of material, structures, buildings, and any other works which act alone or in combination with other existing or future uses which will cause damaging flood heights and velocities by obstructing flows and reducing valley storage;

(7) Control development which will, when acting alone or in combination with similar developments, create an unjustified demand for public investment in flood-control works by requiring that uses vulnerable to floods, including public facilities which serve such uses, shall be protected against flood damage at the time of initial construction;

(8) Control development which will, when acting alone or in combination with similar development, cause flood losses if public streets, sewer, water, and other utilities must be extended below the flood level to serve the development;

(9) Control development which will, when acting alone or in combination with similar development, create an additional burden to the public to pay the costs of rescue, relief, emergency preparedness measures, sandbagging, pumping and temporary dikes or levees;

(10) Control development which will, when acting alone or in combination with similar development, create an additional burden to the public for business interruptions, factory closings, disruption of transportation routes, interference with utility services and other factors that result in loss of wages, sales, production, and tax write offs;

(11) Help maintain a stable tax base by the preservation or enhancement of property values for future flood-plain development. In addition, development of future flood-prone areas on flood plains will be minimized and property values and the tax base adjacent to the flood plain will be preserved.

Section 41. Definitions — Whenever used or referred to in this ordinance unless a different meaning appears from the context:

A. "Board" — Board of Zoning Appeals

B. "Commission" — Fort WAYNE City Planning Commission

C. "Flood" or "Flood Water" — means the water of any river or stream in the State or upon or adjoining any boundary line of the State which is above the bank and/or outside the channel and banks of such river or stream.

D. "Flood Hazard Areas" — means those areas of the flood plain which have not been adequately protected from flooding by the regulatory flood by means of dikes, levees, reservoirs, or other works approved by the Commission.

E. "Flood Plain" — means the area adjoining the river or stream which has been or may hereafter be covered by flood water.

F. "Flood-Proofing" — a combination of structural provisions, charges, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood-hazard area.

G. "Flood Protection Grade" — means the elevation of the lowest point around the perimeter of a building at which flood waters may enter the interior of the building.

H. "Floodway" (FW) see (M) "Regulatory Floodway"

I. "Floodway Fringe" (FF) — means those portions of the flood hazard areas lying outside the floodway.

J. "General Flood-Plain District" (GF) see (D) "Flood Hazard Area"

K. "INRC" — The Indiana Natural Resource Commission

L. "Obstruction" — any dam, wall, wharf, embankment levee, dike, sill, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, or regulatory flood-hazard area which may impede retard, or change the direction of the flow of water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

M. "Regulatory Flood" — means that flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a one hundred year period, as calculated by a method and procedure which is acceptable to and approved by the Commission. This flood is equivalent to a flood having a probability of occurrence of one percent in any given year.

N. "Regulatory Flood Profile" — means a longitudinal profile along the thread of a stream showing the maximum water surface elevations obtained by the regulatory flood.

O. "Regulatory Floodway" or "Floodway" — means the channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

P. "River or Stream" — shall mean all open channels, whether natural, man-made, or modified by man, which carry or discharge water.

Section 42. Flood Hazard Area Delineation.

The areal extent of the flood hazard area shall include all land as indicated on maps supplied by the Army Corps of Engineers, the Soil Conservation Service and the Department of Housing and Urban Development. The regulatory floodway, floodway fringe, the peak discharge and the flood profile shall be determined by the INRC utilizing the best available technology and shall be approved by the Commission.

allowing the channel to carry and discharge the peak flood flow of the regulatory flood of any river or stream. "River or Stream" shall mean all open channels, whether natural, man-made, or notified by man, which carry or discharge water.

Section 42. Flood Hazard Area Delineation.

The areal extent of the flood hazard area shall include all land as indicated on maps supplied by the Army Corps of Engineers, the Soil Conservation Service and the Department of Housing and Urban Development. The regulatory floodway, floodway fringes, the peak discharge and the flood profile shall be determined by the INRC utilizing the best available technology and shall be approved by the Commission.

Section 43. Establishment of District Boundaries.

The mapped flood-hazard areas within the jurisdiction of this ordinance are hereby designated as the GENERAL FLOOD-PLAIN DISTRICT (GF). The boundaries of this district shall be shown on the official Zoning Map. Within this district all uses not permissible by right or as special-permit uses shall be prohibited.

Section 44. District Boundaries Changes Thereof.

The "General Flood-Plain District" shall be divided into a "Floodway (FW)" and a "Floodway Fringe (FF) District" upon determination and delineation by the INRC and the Commission. When this division occurs the provisions outlined in Section 46 and 47 shall automatically take effect.

Section 45. General Flood Plain District. (GF)

A. General Provisions and Uses. It is the intent of this ordinance to control and manage the uses of land in the General Flood Plain (GF) so as to meet the objectives identified and superimposed over the existing zoning districts. However, before an Improvement Location Permit can be issued for any permitted use, the Zoning Enforcement Officer must ascertain whether said use or accompanying structure will be detrimental to the objectives identified in Section 40. A. (1) (1).

B. General Use Permit. All construction, building, alteration of structures or land change of use or initiation of a new use in the General Flood Plain will require a "general use permit" before the issuance of an Improvement Location Permit. This "General Use Permit" shall be granted by the Zoning Enforcement Officer.

C. Procedures Being Followed Regarding Construction in General Flood Plain District.

(1) All plans submitted to the Commission for either approval or the Commission or application for improvement Location Permits will be checked against the official Zoning Map. If the site location falls within a flood hazard area or to the INRC for their recommendation. Until comment is received from the INRC NO action will be taken by the Commission.

(2) Based upon the technical evaluation of the INRC, the Zoning Enforcement Officer shall determine and evaluate the specific flood hazard at the site and shall determine the suitability of the proposed use in relation to the potential flood hazard. If he finds the proposed use suitable he will issue a "General Use Permit". Upon issuance of this permit an Improvement Location Permit shall be issued forthwith provided the other requirements of this ordinance have been satisfied.

If upon receipt of comments by the INRC, he finds that the proposed use is unsuitable in relation to the potential flood hazard, he shall deny the application for a "General Use Permit". The applicant may then file for a hearing before the Commission if he so chooses. The applicant shall have the burden of proof to establish that the permit was wrongfully denied.

Both the Commission and the Zoning Enforcement Officer shall consider the factors listed in Section 46 D (2) when making their decision on the suitability of the proposed use.

Section 46. Floodway Districts. (FW)

A. Permitted uses within a regulatory floodway district. The following land uses have acceptable low flood damage potential and shall not require a special permit for construction in the floodway, provided they do not involve any structure, obstruction, deposit, or excavations. This list is intended to include examples of open space use which will not adversely affect the efficiency of or unduly restrict the capacity of the regulatory floodway and are reasonably tolerant of the presence of flood waters.

(1) Agricultural uses such as the production of crops, pastures, orchards, plant nurseries, vineyards, and general farming.

(2) Forestry, wildlife areas, and nature preserves.

(3) Park and recreational uses, such as golf courses, driving ranges, and play areas.

B. Special Exception Uses -- Floodway Districts. The following uses of land may have unacceptable flood damage potential; involve structures, obstructions, deposits, or excavation which may adversely affect the efficiency of or unduly restrict the capacity of the regulatory floodway, constitute an unreasonable hazard to the safety of life or property; or result in unreasonable detrimental effects upon fish, wildlife, and botanical resources. These uses will require a "Special Permit" for construction in the Floodway as provided in "Special Permit" uses of this ordinance. In general, these uses involve water management structures, transportation facilities, temporary or seasonal flood plain occupancy or public, industrial, and commercial uses which are either dependent on their proximity to water or are reasonably open to nature and flood tolerant.

(1) Water management and use facilities, such as dams, docks, dolphins, channel improvements, dikes, levees, groins, marinas, piers, wharves, levees, seawalls, floodwalls, weirs, and irrigation facilities.

(2) Transportation facilities, such as streets, bridges, roadways, roads, airports, pipe lines, railroads, and utility transmission facilities.

(3) Temporary or seasonal flood plain occupancy, such as circus sites, fair sites, carnival sites, boat ramps, camps, roadside stands, and transient amusement facility sites.

(4) Water-related urban uses, such as wastewater treatment facilities, storm sewers, electrical generating and transmission facilities, and water treatment facilities.

(5) Other flood tolerant or open urban uses, such as flood-protected industrial and commercial buildings, race tracks, tennis courts, park buildings, outdoor theatres, fills, truck freight terminals, radio or TV towers, parking lots, and mineral extractions.

C. Standards for Floodway Special Use Permit Uses. All Uses: No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other use may be allowed on a special exception use which, acting alone or in combination with existing or future uses, unduly affects the capacity of the floodway or unduly increases related.

Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream. In addition all floodway special-permit uses shall be subject to the standards contained in Section 46 D (2) of this Article.

D. Procedures for Development Within Floodway.

(1) Any use listed in this ordinance as requiring a special use permit may be allowed only upon application to the Zoning Enforcement Officer on forms furnished by him and the issuance of a "Special Permit". Upon receipt of the application the Zoning Enforcement Officer shall forthwith submit it to the Commission.

(2) Procedure to be followed by the Commission in passing on special permits. Upon receiving an application for a special permit involving the use of fill, construction of structures, or storage of materials, the Commission shall, prior to rendering a decision thereon, request and receive the recommendation of the INRC as to the suitability of the proposed use in relation to the flood hazard. In passing upon such applications, the Commission shall consider all relevant factors specified in other sections of this ordinance.

a. The danger of life and property due to increased flood heights or velocities.

special permit involving the use of fill materials, construction of structures, or storage of materials, the Commission shall, prior to and receive the recommendation of the INRC as to the suitability of the proposed use in relation to the flood hazard, passing upon such applications, the Commission shall consider all relevant factors specified in other sections of this ordinance.

- The danger of life and property due to increased flood heights or velocities caused by encroachments.
- The danger that materials may be swept on to other lands or downstream to the injury of others.
- The proposed water supply and sanitation systems to prevent disease, contamination, and unsanitary conditions.
- The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- The importance of the services provided by the proposed facility to the community.

- The requirements of the facility for a water front location.
- The availability of alternative locations not subject to flooding for the proposed use.
- The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

- The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- The safety of access to the property in times of flood or ordinary and emergency vehicles.
- The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- Such other factors which are relevant to the purposes of this ordinance.

- The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.
- Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of the flow of flood waters.
- So far as practicable, structures shall be placed approximately on the same flood-flow lines as those of adjoining structures.
- Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river; and,
- Service facilities such as electrical and heating equipment shall be constructed at or about the regulatory flood protection elevation for the particular area or flood-protected.

- Storage of Material and Equipment.
 - The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

- Structures shall not be designed for human habitation.
- Structures shall have a low flood-damage potential.
- The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.
- Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of the flow of flood waters.
- So far as practicable, structures shall be placed approximately on the same flood-flow lines as those of adjoining structures.
- Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river; and,
- Service facilities such as electrical and heating equipment shall be constructed at or about the regulatory flood protection elevation for the particular area or flood-protected.

- Storage of Material and Equipment.
 - The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

- Structures shall not be designed for human habitation.
- Structures shall have a low flood-damage potential.
- The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.
- Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of the flow of flood waters.
- So far as practicable, structures shall be placed approximately on the same flood-flow lines as those of adjoining structures.
- Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river; and,
- Service facilities such as electrical and heating equipment shall be constructed at or about the regulatory flood protection elevation for the particular area or flood-protected.

- Storage of Material and Equipment.
 - The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

- Structures shall not be designed for human habitation.
- Structures shall have a low flood-damage potential.
- The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.
- Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of the flow of flood waters.
- So far as practicable, structures shall be placed approximately on the same flood-flow lines as those of adjoining structures.
- Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river; and,
- Service facilities such as electrical and heating equipment shall be constructed at or about the regulatory flood protection elevation for the particular area or flood-protected.

- Storage of Material and Equipment.
 - The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

- Structures shall not be designed for human habitation.
- Structures shall have a low flood-damage potential.
- The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.
- Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of the flow of flood waters.
- So far as practicable, structures shall be placed approximately on the same flood-flow lines as those of adjoining structures.
- Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river; and,
- Service facilities such as electrical and heating equipment shall be constructed at or about the regulatory flood protection elevation for the particular area or flood-protected.

- Storage of Material and Equipment.
 - The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

- Structures shall not be designed for human habitation.
- Structures shall have a low flood-damage potential.
- The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.
- Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of the flow of flood waters.
- So far as practicable, structures shall be placed approximately on the same flood-flow lines as those of adjoining structures.
- Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river; and,
- Service facilities such as electrical and heating equipment shall be constructed at or about the regulatory flood protection elevation for the particular area or flood-protected.

- Storage of Material and Equipment.
 - The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

- Structures shall not be designed for human habitation.
- Structures shall have a low flood-damage potential.
- The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.
- Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of the flow of flood waters.
- So far as practicable, structures shall be placed approximately on the same flood-flow lines as those of adjoining structures.
- Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river; and,
- Service facilities such as electrical and heating equipment shall be constructed at or about the regulatory flood protection elevation for the particular area or flood-protected.

- Storage of Material and Equipment.
 - The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

- Structures shall not be designed for human habitation.
- Structures shall have a low flood-damage potential.
- The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.
- Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of the flow of flood waters.
- So far as practicable, structures shall be placed approximately on the same flood-flow lines as those of adjoining structures.
- Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river; and,
- Service facilities such as electrical and heating equipment shall be constructed at or about the regulatory flood protection elevation for the particular area or flood-protected.

- Storage of Material and Equipment.
 - The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

- Structures shall not be designed for human habitation.
- Structures shall have a low flood-damage potential.
- The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.
- Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of the flow of flood waters.
- So far as practicable, structures shall be placed approximately on the same flood-flow lines as those of adjoining structures.
- Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river; and,
- Service facilities such as electrical and heating equipment shall be constructed at or about the regulatory flood protection elevation for the particular area or flood-protected.

- Storage of Material and Equipment.
 - The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

- Structures shall not be designed for human habitation.
- Structures shall have a low flood-damage potential.
- The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.
- Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of the flow of flood waters.
- So far as practicable, structures shall be placed approximately on the same flood-flow lines as those of adjoining structures.
- Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river; and,
- Service facilities such as electrical and heating equipment shall be constructed at or about the regulatory flood protection elevation for the particular area or flood-protected.

- Storage of Material and Equipment.
 - The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

- Structures shall not be designed for human habitation.
- Structures shall have a low flood-damage potential.
- The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.
- Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of the flow of flood waters.
- So far as practicable, structures shall be placed approximately on the same flood-flow lines as those of adjoining structures.
- Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river; and,
- Service facilities such as electrical and heating equipment shall be constructed at or about the regulatory flood protection elevation for the particular area or flood-protected.

- Storage of Material and Equipment.
 - The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

- Structures shall not be designed for human habitation.
- Structures shall have a low flood-damage potential.
- The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.
- Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of the flow of flood waters.
- So far as practicable, structures shall be placed approximately on the same flood-flow lines as those of adjoining structures.
- Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river; and,
- Service facilities such as electrical and heating equipment shall be constructed at or about the regulatory flood protection elevation for the particular area or flood-protected.

- Storage of Material and Equipment.
 - The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

ate Board of Accounts

General Form No. 99 P (Rev 1967)

n Council
nental Unit)

To NEWS-SENT INEL Dr.

County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

ter (Must not exceed two actual lines, neither of which shall total more
n four solid lines of the type in which the body of the advertisement is set)
number of equivalent lines

number of lines

number of lines

651

number of lines

2

al number of lines in notice

653

GES

columns wide equals 653 equivalent lines at 288p

per line

\$ 188.06

large for notices containing rule or tabular work (50 per cent of above

tra proofs of publication (50 cents for each proof in excess of two)

2.00

AL AMOUNT OF CLAIM

\$ 190.06

COST

le column 11 ems

Size of type. 5 1/2 point

sections 2

Size of quad upon which type is cast. 5 1/2

and penalties of Ch. 89, Acts 1967,

oregoing account is just and correct, that the amount claimed is legally due, after allowing all just
the same has been paid.

V. E. Stuber

19. 74

Title Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County

JOHN NUCKOLS

Copyright

one facilities, utility buildings, amusement facilities, residential buildings, and civic or fraternal facilities, may be constructed in a floodway fringe district provided that the flood protection grade for all buildings shall be at least at or about the regulatory flood profile and that the zoning shall be proper.

B. Procedure. Before the issuance of an Improvement Location Permit, the Zoning Enforcement Officer shall determine that the proposed use meets the requirements and intent of this ordinance.

Section 44. Conditions Attached to "Special Permits".

Upon consideration of the factors listed above and the purposes of this ordinance, the Commission may attach such conditions to the granting of a special permit as it deems necessary to further the purposes of this ordinance.

Section 45. Nonconforming Uses.

All land uses now existing in flood hazard areas not in full compliance with this rule shall be considered a nonconforming use. Except for normal maintenance, any building which constitutes a nonconforming use may be altered, repaired, enlarged, or extended, provided such alterations, repairs, enlargements, or extensions do not increase the value of the building, excluding the value of the land, by more than fifty per cent (50 per cent) of its pre-improvement market value, and the alterations, repairs, enlargements, or extensions are not otherwise prohibited or restricted by state law or local ordinances. Any building which constitutes a nonconforming use which is damaged by fire, explosion, act of God, or the public enemy, may be restored to its original dimensions and condition, provided the damage does not reduce the value of the land by more than fifty per cent (50 per cent) of its pre-damaged market value. Any repairs, alterations, enlargements, or extensions of any existing nonconforming use which does not involve a building is subject to the provisions of this ordinance.

Section 46. Variances. This ordinance promulgates standards and procedures essential to assure reasonable protection to present and future uses within the flood plain. However, there may be a need from time to time, to permit variances from these standards in specific cases within areas which are almost entirely developed. The Board may grant such variances only where the following conditions are met:

(1) The structure or use is located on a lot of one half acre or less and is surrounded by existing structures; and
(2) Good and sufficient cause exists for granting the variance; and
(3) Failure to grant the variance would result in an extreme hardship to the owners of the land; and,
(4) All possible efforts are made to minimize potential flood damages.

If the Board grants a variance according to the above, it must give written notice to the applicant. This written notice shall include:

(1) The fact that the proposed structure will be located in a flood prone area.
(2) The number of feet that the lowest floor of the proposed structure will be below the 100-year flood level.

(3) The fact that the flood insurance rates will be increased commensurate with the distance below the 100-year flood level.

This notice shall be attached to the building permit and must be displayed with it.

Section 51. Warning and Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for the purposes and is based on engineering and scientific considerations. Larger floods can and will occur on occasions. Flood heights may be increased by man-made or natural causes, such as ice or debris jams. This ordinance does not imply that areas outside flood hazard areas, as defined herein, will be free from flooding or flood damages. This ordinance does not create liability on the part of the State of Indiana, the INRC, the Board, the Commission, or the City of Fort Wayne, or any elected or appointed official or employee thereof for any flood damages that result from reliance on this rule or any administrative decision lawfully made thereunder.

Section 52. Severability. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

JOHN NUCKOLS, Councilman
Read the third time in full and on motion
passed, placed on its passage. PASSED by the following vote:

Ayes: nine
Burns, Hingo, Kraus, Moses, Nuckols,
D. Schmidt, V. Schmidt, Siler, Talarico

Nays: None
Date: 6-11-74.

CHARLES W. WESTERMAN
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as amended Ordinance No. 5-17-74 on the 11th day of June, 1974.

ATTEST:

CHARLES W. WESTERMAN
(Seal)
City Clerk

SAMUEL J. TALARICO
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of June, 1974, at the hour of 10:00 o'clock A.M., E.S.T.

CHARLES W. WESTERMAN
City Clerk

Approved and signed by me this 12th day of June, 1974, at the hour of 2:00 o'clock P.M., E.S.T.

IVAN A. LEBMANN
Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-17-74 passed by the Common Council on the 11th day of June, 1974, and that said Ordinance was duly signed and approved by the Mayor on the 12th day of June, 1974 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 12th day of June, 1974.

CHARLES W. WESTERMAN
City Clerk

G-17-24.

County, Ind.

PUBLISHER'S CLAIM

per (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) number of equivalent lines

number of lines

number of lines

number of lines

total number of lines in notice

GES

is... 1 column wide equals... 653 equivalent lines at... 288¢ per line

charge for: notices containing rule or tabular work (50 per cent of above)

(tra proofs of publication (50 cents for each proof in excess of two)

AL AMOUNT OF CLAIM

COST

le column 11 ems

Size of type 5 1/2 point

sections... 2

Size of quad upon which type is cast... 5 1/2

and penalties of Ch. 89, Acts 1967,

foregoing account is just and correct, that the amount claimed is legally due, after allowing all just if the same has been paid.

V. E. Gerken

, 19 74

Title Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana

Allen County ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned V. E. Gerken

that... She is... Clerk

NEWS-SENTINEL

DAILY

a... newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly

published in said paper for... two

time... the dates of publication being

as follows:

6/17-24/74

Subscribed and sworn to before me this... 26th day of June, 19 74

Notary Public

My commission expires October 25, 1975

Fort Wayne Common Council
(Governmental Unit)To NEWS-SENTINEL Dr.Allen County, Ind.FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)
— number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

6512653

COMPUTATION OF CHARGES

653 lines, 1 columns wide equals 653 equivalent lines at 288¢
cents per line\$188.06

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

2.00

TOTAL AMOUNT OF CLAIM

\$190.06

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5 1/2 pointNumber of insertions 2Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

V. E. GerkenDate June 26, 19 74Title Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County ss:Personally appeared before me, a notary public in and for said county and state, the undersigned V. E. GerkenShe is Clerk of theNEWS-SENTINELa DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANAin state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two

times, the dates of publication being

as follows:

6/17-21/74Subscribed and sworn to before me this 26th day of June, 19 74

Notary Public

My commission expires October 25, 1975

to discuss the gift's return.
Divine Light Mission decline
return.
A spokesman for the Cur
would on the boat and relin
loan on the boat and relin
bank wouldn't give them
that sold the boat. But the
said the manager of the fir
finance the \$7,000 balance
\$2,000 in cash and wanted
nisters into the building.
bed a total of 10 teenagers
for two hours while they
and stood with police offi
scene. Then he slipped out
dow at officers sent to
caliber pistol through the
patcher, began firing a
and while talking to the
headquarters Saturday m
The man telephoned po
primarily natural re
fects upon fish, wildlife, and botanical re
sources. These uses will require a "Spe
cial Permit" for collection of
City Clerk